

ATTACHMENT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

**Case No. 3:23-MD-3071
MDL No. 3071**

**This Document Relates to:
Multifamily Cases**

**3:22-cv-01082
3:23-cv-00326
3:23-cv-00330
3:23-cv-00331
3:23-cv-00332
3:23-cv-00333
3:23-cv-00334
3:23-cv-00335
3:23-cv-00336
3:23-cv-00337
3:23-cv-00338
3:23-cv-00339
3:23-cv-00344
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3:23-cv-00391
3:23-cv-00410
3:23-cv-00411
3:23-cv-00412
3:23-cv-00413
3:23-cv-00414
3:23-cv-00415
3:23-cv-00416
3:23-cv-00419
3:23-cv-00440
3:23-cv-00445
3:23-cv-00552**

Chief Judge Waverly D. Crenshaw, Jr.

**PLAINTIFFS' [PROPOSED] ORDER TO APPOINT INTERIM CO-LEAD COUNSEL,
LIAISON COUNSEL, AND PLAINTIFFS' STEERING COMMITTEE**

WHEREAS, on April 12, 2023, the United States Judicial Panel on Multidistrict Litigation (“JPML”) transferred this case, along with all related actions pending outside the Middle District of Tennessee, for coordinated or consolidated pretrial proceedings before this Court. Dkt. 1;

WHEREAS, Plaintiffs in all of the actions except *Navarro v. RealPage, Inc., et al.*, No. 3:23-cv-00329 seek to represent a class or classes of multifamily real estate lessees (the “Multifamily Class”);

WHEREAS, on June 1, 2023, the Court issued an Order requesting applications for “Lead Counsel, Interim Class Counsel and/or Plaintiffs’ Steering Committee, as well as Plaintiffs’ and Defendants’ Liaison Counsel.” Dkt. 243;

WHEREAS, the Court has received submissions proposing leadership for the Multifamily Class pursuant to its June 1, 2023 Order;

WHEREAS, appointment of Interim Co-Lead Counsel, Liaison Counsel, and a Plaintiffs’ Steering Committee will avoid duplication and unnecessary costs, and will promote the efficient conduct of proceedings herein;

NOW, THEREFORE, THE COURT ORDERS:

The appointment of leadership for the proposed Multifamily Class is appropriate. The Court has carefully reviewed the submissions and makes the following designations, pursuant to Federal Rule of Civil Procedure 23(g)(3):

- Berger Montague PC, Lieff Cabraser Heimann & Bernstein, LLP, and Hausfeld LLP shall be interim Co-Lead Counsel;
- Stranch, Jennings & Garvey, PLLC shall be Liaison Counsel; and
- Hagens Berman Sobol Shapiro LLP, Cotchett, Pitre & McCarthy, LLP, DiCello Levitt LLC, and Edelson PC shall be members of the Plaintiffs’ Steering Committee.

The Court finds that the criteria for appointment of interim class counsel under Rule 23(g) are satisfied. Counsel will fairly and adequately represent the interests of the proposed

classes; performed significant work to identify and investigate potential claims; have significant experience handling class action litigation, including complex antitrust cases; have knowledge of the applicable law; and have committed sufficient resources to represent the proposed classes. The Court concludes that these appointments will aid in achieving efficiency and economy in what is likely to be expensive and complicated litigation, and that these appointments will enhance fairness to all parties concerned, as well as the proposed class.

Berger Montague PC, Lief Cabraser Heimann & Bernstein, LLP, and Hausfeld LLP, as Co-Lead Counsel, shall have authority over the following matters on behalf of all plaintiffs and the proposed Multifamily Class in the MDL:

- a. convening meetings of Plaintiffs' counsel;
- b. the initiation, response, scheduling, briefing, and argument of all motions;
- c. the scope, order, and conduct of all discovery proceedings;
- d. making such work assignments as among themselves and other Plaintiffs' counsel as they may deem appropriate;
- e. collecting time and expense reports from all Plaintiffs' counsel on a periodic basis;
- f. the retention of experts;
- g. the designation of which Plaintiffs' attorneys shall appear at hearings and conferences with the Court;
- h. settlement negotiations and agreements with Defendants;
- i. allocating among counsel any award of attorney's fees and expenses; and,
- j. all other matters concerning the prosecution of the Consolidated Action.

Defendants' counsel may rely on all agreements made with Co-Lead Counsel, and such agreements shall be binding on all other multifamily lessee plaintiffs.

IT IS SO ORDERED.

Dated this ____ day of June, 2023,

HON. WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE